

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 13,351

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Appeal of)

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INTRODUCTION

The petitioner filed a request for fair hearing to appeal the revocation of his bus pass by the Chittenden County Transit Authority (CCTA), a medicaid transportation provider. The issue is whether the Department of Social Welfare, and hence the Board, has authority to order CCTA to provide bus transportation to the petitioner.

FINDINGS OF FACT

The facts necessary to frame the preliminary legal issue in this matter are not in dispute. The petitioner is a recipient of medicaid. CCTA has a contract with the Department to provide transportation services to medicaid recipients within its service area.

Prior to January, 1995, CCTA had issued the petitioner a pass to ride its buses free of charge to and from medical appointments. Following some incidents in December, 1994, involving the petitioner and other passengers on the bus, on January 6, 1995, CCTA notified the petitioner that it was revoking his bus pass until further notice. However, CCTA further informed the petitioner that it would provide him with transportation by taxi to and from his medical appointments.

ORDER

The petitioner's appeal is dismissed for failure to state a claim upon which relief can be granted.

REASONS

The petitioner does not allege that CCTA is not providing him with transportation adequate to allow him to meet all his necessary medical appointments, only that CCTA "may be discriminating" against him due to his handicap by revoking his pass to ride the bus. The petitioner further claims that the Department has an obligation to order CCTA to reinstate his bus pass.

Other than the vague claim that he has been discriminated against, however, the petitioner (despite being specifically advised by the hearing officer to do so) has not identified any statute, regulation, or term of contract that requires CCTA to reinstate his bus pass. The petitioner has cited no legal authority or contractual basis for his apparent claim that CCTA is obligated to provide him with free bus service, as opposed to free taxi service, to his medical appointments. The Provider Agreement makes no mention of the form of medicaid transportation services CCTA is obligated to provide, and the petitioner has cited no legal authority for his apparent assertion that CCTA is obligated to provide him with the form of transportation of his choice--or even the same form that it provides to most other medicaid recipients. ⁽¹⁾

The petitioner having alleged no legal basis for his claim of "discrimination" by CCTA, much less any basis to have the Department or the Board to correct it, his appeal in this matter is dismissed.

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1. The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation ACT (neither of which was cited by the petitioner as a basis for relief) require only that "reasonable accommodations" for handicapped individuals be made. This appears to be exactly what CCTA has done in this case.